

**Basehold/Protokoll (Anlage)****Communication/Minutes (Annex)****Notification/Procès-verbal (Annexe)**Datum
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Application No.: 01 301 522.7
Demande n°:

The examination is being carried out on the following application documents:

Description, Pages

1, 2, 6, 7, 10, 12, 13 as originally filed

3-5, 8, 9, 11 received on 27.07.2004 with letter of 23.07.2004

Claims, Numbers

1-6 filed with telefax on 22.08.2005

Drawings, Sheets

1/4-4/4 as originally filed

The examining division considers oral proceedings as expedient pursuant to the applicants letter of 22 August 2005 (hereafter referred to as L2), because the amended claims submitted by the applicant with said letter do not appear to meet the requirements of the EPC regarding patentability and the applicant has requested oral proceedings. Moreover the arguments in favour of patentability presented by the applicant are not considered to be convincing:

1 The following arguments were provided by the applicant:

- A - There are further differences between the approach of D1 and the subject-matter of the present application, in addition to those identified in the previous

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communication dated 08 November 2004 (hereafter referred to as C2):

- A1 - the present application provides links not to other bulletin board messages but to a separate URL (L2, page 2, paragraph 8) and thus the present application stores in the further database links to corresponding URL and not the processed bulletin board message (L2, page 2, paragraph 9)
 - A2 - the processing takes place before the messages are stored in the bulletin board whereas D1 provides the functionality at display (L2, page 2, paragraph 10)
 - A3 - D1 teaches that processing takes place on the client at display, thus requiring a separate file retrieval system at each browser (L2, page 2, paragraph 10)
 - A4 - the further database of the present application includes text data in addition to the URLs that are also disclosed in D1 (L2, page 2, last paragraph)
- B - D1 does not disclose or suggest the application of D1 to an electronic bulletin board system or mail server.
- C - If the skilled person were to apply D1 to a conventional bulletin board system he would do so by extending the web browser on the user's computer in a manner to inspect documents being viewed by the user with links to other documents. This would be opposed to the subject-matter of the present application which applies the processing in the bulletin board server itself in order to store the individual messages with hyperlinks for subsequent access by any user.

The following will be among the issues to be discussed during the oral proceedings

2 Inventive Step (Article 52(1) EPC and 56 EPC)

- 2.1 The subject-matter of the newly filed independent claims corresponds to the subject-matter of the previously filed independent claims where the the expression "database managed by" has been changed to "database operated by" with the additional feature that



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- the search result screen includes text associated with the URL.

As stated on page 7, paragraph 4 of C2 the inclusion of this additional feature does not provide for an inventive step:

The difference between claim 1 of the present application and a known bulletin board system would consist of the list of features as presented in section 2.1 on page 2. of C2 and the additional feature as stated above.

Hence the person skilled in the art departing from a known electronic bulletin board system would be faced with two independent problems:

- a - allowing a computer system user to retrieve previously processed web-page files which are relevant to a message file currently being considered by a user (as stated on page 3, paragraph 3)
- b - the user would like some additional information about the linked relevant files

Clearly these two problems are not related, one referring to linking additional files, the second being related to what information is to be displayed with the links to the additional files: solving the two problems together does not provide for an additional effect over the respective independent solution of the two individual problems.

As stated in section 2.1 on pages 3 and 4 of C2, the person skilled in the art would resort to D1 and solve problem a) without need for inventive activity or surprising effects.

Moreover, as stated on page 7, paragraph 4 of C2, the person skilled in the art when faced with problem b) would choose to store additional text data in combination with the URL identifying a linked relevant data and display said additional text data when displaying the link to the target URL of the relevant data to the user. No inventive activity or surprising effects are involved in the solution of problem b) for the person skilled in the art resorting to his general knowledge contrary to the applicants argument A4.

It follows that the subject-matter of newly filed independent claim 1 cannot be

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considered to involve an inventive step.

- 2.2 The same arguments apply mutatis mutandis to the mail server disclosed in amended independent claim 2, when departing from a conventional mail server as acknowledged as prior art by the applicant, the differentiating features and the problems to be solved being identical to the ones presented for amended independent claim 1.
- 2.3 Amended claims 3 to 6 are method and computer program claims covering identical subject-matter as amended claims 1 and 2. They are defined using the same or corresponding features.

Hence the subject-matter of amended claims 3 to 6 is not inventive for the same reasons given for claims 1 and 2.

3 Contrary to the applicants arguments:

- 3.1 D1 discloses the analysis of web-pages in order to introduce links to other web pages. Thus the person skilled in the art when faced with the problem of - wanting to introduce links to web pages into the bulletin board messages of a conventional bulletin board (as seen above) would apply the method of D1 in a way so that web-pages would be linked to the bulletin-board messages and not previously processed bulletin board messages as suggested by the applicant (difference A1 as mentioned above). Therefore the person skilled in the art would store the web-page URLs in the further database and not previously processed bulletin board messages as suggested by the applicant (difference A1 as mentioned above).
- 3.2 According to D1, page 4, lines 26 to 30, the processing means for including links to relevant web-pages in the message may be located on a server and are, contrary to the applicant argument A3 not necessarily located at the client. Thus the person skilled in the art would choose to implement the system of D1 on the electronic bulletin board system according to user requirements without any further inventive step or surprising effect. In the same way, contrary to the applicants argument A4 the

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person skilled in the art would choose to inspect the messages as soon as they become available on the server, or whenever they are accessed on the server according to user requirements and circumstances without need for inventive activity or surprising effects. These two modes of operation are merely straightforward possibilities of implementing the method of D1 in a known bulletin board system server. The skilled person would select from these possibilities, in accordance with circumstances, without the exercise of inventive skill.

- 4 The examining division would like to emphasize that refusal under Article 97(1) EPC is to be expected even during the oral proceedings as no inventive subject-matter could be found either in the description or the claims at this point. It is therefore suggested to withdraw the application to save time and resources.